

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, PATNA

MISC. (TRANSFER) CASE No.66 OF 2026

Smt. Mina Devi

Petitioner

Vs.

Smt. Kanchan Devi & Ors.

Opposite Parties

**Order
No.**

Date

O R D E R

07 24-08-2026

1. This Miscellaneous (Transfer) Case has been filed under Section 24 of the Code of Civil Procedure, 1908, seeking transfer of Title Partition Suit No.512 of 2019 from the Court of the learned Civil Judge (Senior Division)-XV, Patna to any other competent Court.
2. Heard Sri Bidya Bhushan, learned counsel for the petitioner.
3. Learned counsel for the petitioner submits that the petitioner instituted Title Suit No.512 of 2019 seeking, inter alia, declaration of her title and a declaration that the Power of Attorney executed by Late Jugal Kishore Prasad Singh and the sale deed executed on the basis thereof are illegal, null and void, besides seeking consequential relief of injunction against the defendants.
4. Learned counsel for the petitioner further submits that after institution of the suit, the defendants initially failed to appear before the learned trial Court, resulting in ex parte proceedings against them. Subsequently, the said ex parte orders were recalled on different dates.
5. It is further submitted that the defendants thereafter allegedly took forcible steps against the petitioner with the assistance of anti-social elements and attempted to dispossess her from the suit property. The petitioner is stated to have approached the police authorities by submitting representations but no effective action was allegedly taken thereon. In the aforesaid circumstances, apprehending threat to her life and property, the petitioner filed an injunction petition under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 on 23.12.2025.
6. Learned counsel for the petitioner submits that despite the urgency pleaded

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**Contd.....
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in the injunction petition, the matter was adjourned from time to time and was thereafter taken up on 28.01.2026, 16.02.2026, 06.03.2026, 23.04.2026, 08.05.2026, 26.05.2026 and 24.06.2026. It is submitted that despite repeated requests made on behalf of the petitioner for consideration of the injunction petition, the same has not yet been decided and the matter has been posted for 03.09.2026.

7. Learned counsel, therefore, submits that the continued pendency of the injunction petition despite the urgency pleaded by the petitioner and the repeated requests for its consideration has given rise to a reasonable apprehension in the mind of the petitioner that she may not receive a fair and expeditious consideration of the matter before the learned trial Court. On this ground, transfer of the suit to another competent Court has been sought.
8. Perused the report submitted by the learned Civil Judge (Senior Division)-XV, Patna. From the report, it appears that the injunction petition under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 was filed on behalf of the plaintiff/petitioner on 23.12.2025. A rejoinder thereto was filed on behalf of Defendant No.5 on 23.04.2026. Defendant No.6 has entered appearance but has not filed any rejoinder. The report further indicates that the matter is presently at the stage of hearing on the injunction petition.
9. Having considered the submissions advanced on behalf of the petitioner and on perusal of the report submitted by the learned Civil Judge (Senior Division)-XV, Patna, this Court finds that the injunction petition under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 was filed on 23.12.2025 and has remained pending despite the matter having been taken up on several dates. The report of the learned trial Court also confirms that the matter is presently at the stage of hearing on the injunction petition and is now fixed for 03.09.2026.

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10. Having regard to the nature of the dispute, the alleged apprehension and the prolonged pendency of the injunction petition, this Court is of the considered view that the apprehension expressed by the petitioner cannot be said to be wholly unfounded. In the interest of justice, this Court considers it appropriate to allow the prayer for transfer of the suit.
11. Accordingly, Title Partition Suit No. 512 of 2019 pending before the Court of the learned Civil Judge (Senior Division)-XV, Patna is hereby recalled and transferred to the Court of learned Civil Judge (Senior Division)-XIII, Patna with a direction to dispose of the injunction petition within 14 working days from receipt of the order.
12. Accordingly, this Miscellaneous (Transfer) case is **allowed**. Copies of this order be sent to the Administrative Office of the undersigned and to the concerned Courts for compliance.

(Dictated)

**Sd/-
(Anamika T.)
Principal District Judge,
Patna.**

Date of Order	24.08.2026
Date of Reserving Order	18.08.2026
Uploading Date	24.08.2026
Uploaded by	Abhishek/-